

## **REMARKS**

Claims 1, 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, 61, 63, and 69 will be pending in the present application upon entry of the presently made amendments.

Claims 2-7, 9-12, 16-19, 21, 24, 28-32, 34-40, 43-44, 47-48, 50-55, 57, 60, and 62 have been canceled.

Claim 1 has been amended without prejudice to incorporate the limitation from Claim 9 that the received order is received by an access server. Claim 1 has been amended without prejudice to incorporate the limitation from Claim 62 that the product shipment configuration comprises a three-dimensional model for organizing one or more portions of the received order in a selected cargo space. Claim 1 has been amended without prejudice to recite that the performance of the claimed method requires the use of an access server, a system data store, and a system processor, all of which are physically separate. Support for this amendment is found in the specification as filed at least at Figure 1, [0015, 0038].

Claim 8 has been amended without prejudice to correct its dependency from canceled Claim 7 to pending Claim 1.

Claim 14 has been amended without prejudice to correct its dependency from itself to pending Claim 13.

Claim 15 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 20 has been amended without prejudice to incorporate the limitation from Claim 21 that the request for the generated product shipment configuration is received via an access server. Claim 20 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 23 has been amended without prejudice to incorporate the limitation from Claim 24 that the request for a logistics plan is received via an access server. Claim 23 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 26 has been amended without prejudice to incorporate the limitation from Claim 27 that the received event data is received from the buyer, a seller or a transporter. Claim 26 has been amended without prejudice to incorporate the limitation from Claim 28 that the event data is received via an access server. Claim 26 has been amended without prejudice to incorporate the limitations from Claim 29 of the steps of generating one or more exception reports based upon the received event data and the generated logistics plans and outputting a selected exception report from the one or more generated exception reports to a recipient. Claim 26 has been amended without prejudice to incorporate the limitation from Claim 31 that the selected exception report is output via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager instant messaging and combinations thereof. Claim 26 has been amended without prejudice to incorporate the limitation from Claim 32 that the recipient is the determined buyer, the determined seller, the determined transporter, a supply chain management administrator. Claim 26 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 33 has been amended without prejudice to correct the dependency based on the amendments to Claim 26 and the cancellation of Claim 29. Claim 33 has been amended without prejudice to correct the step numbering based on the amendments to Claim 26.

Claim 41 has been amended without prejudice to incorporate the limitation from Claim 37 of receiving an exception report request from the recipient and that the step of outputting the selected exception report is responsive to the received request. Claim 41 has been amended

without prejudice to incorporate the limitation from Claim 38 that the exception report request is received from the recipient via an access server. Claim 41 has been amended without prejudice to correct the dependency based on the amendments to Claim 26 and the cancellation of Claim 37. Claim 41 has been amended without prejudice to correct the step numbering based on the amendments to Claim 26.

Claim 42 has been amended without prejudice to incorporate the limitation from Claim 48 that the recipient is the determined buyer, the determined seller, the determined transporter, a supply chain management administrator. Claim 42 has been amended without prejudice to incorporate the limitation from Claim 43 that the notification comprises identification information associated with each member of a subset of the one or more generated exception reports. Claim 42 has been amended without prejudice to incorporate the limitation from Claim 47 that the identification information comprises a link that upon activation by the recipient allows access to the exception report associated therewith. Claim 42 has been amended without prejudice to correct the step numbering based on the amendments to Claim 26.

Claim 45 has been amended without prejudice to correct the dependency based on the amendments to Claim 42 and the cancellation of Claim 43. Claim 45 has been amended without prejudice to correct the step numbering based on the amendments to Claim 42.

Claim 56 has been amended without prejudice to incorporate the limitation from Claim 57 that the notification comprises a link that upon activation by the recipient allows access to the generated product shipment configuration. Claim 56 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 58 has been amended without prejudice to correct the dependency based on the amendments to Claim 56 and the cancellation of Claim 57.

Claim 59 has been amended without prejudice to incorporate the limitation from Claim 60 that the notification comprises a link that upon activation by the recipient allows access to the generated logistics plan. Claim 59 has been amended without prejudice to correct the step numbering based on the amendments to Claim 1.

Claim 61 has been amended without prejudice to correct the dependency based on the amendments to Claim 59 and the cancellation of Claim 60.

Claim 69 has been added, incorporating a number of previously presented limitations.

No new matter has been added.

Applicants reserve their right to prosecute the subject matter of any canceled claim, any amended claim, any withdrawn claim or any unclaimed subject matter in one or more related applications.

#### **I. The Rejection of Claims 1-62 Under 35 U.S.C. § 101**

Claims 1-62 are rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Applicants submit that under Supreme Court precedent and recent Federal Circuit decisions, currently pending Claims 1, 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, and 61 qualify as statutory subject matter as both (1) tied to a particular apparatus and (2) as transforming underlying subject matter.

##### **A. Particular Apparatus**

Claim 1, as amended, requires the presence of an access server, a system data store, and a system processor, which are physically separate computing machines. As recent BPAI decisions have held, the presence of multiple pieces of physical computing machines creates a particular apparatus to which the claim is tied. *Ex parte Wasynczuk*, Appeal 2008-1496, Application

09/884,528 (BPAI June 2, 2008), at 22. The presence of multiple pieces of physical computing machines therefore renders Claim 1 statutory as tied to a particular apparatus.

As Claims 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, and 61 depend ultimately from Claim 1, and Claim 1 is patent-eligible as tied to a particular apparatus, Claims 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, and 61 therefore are patent-eligible as they are also tied to a particular apparatus.

## **B. Transformation**

Claim 1, as amended, recites that the generated product shipment configuration comprises a three-dimensional model for organizing one or more portions of the received order in a selected cargo space. In a recent Federal Circuit decision, the Federal Circuit reaffirmed that an electronic transformation of data representing physical and tangible objects into a visual depiction is a sufficient transformation for statutory protection. *In re Bilski*, 545 F.3d 943, 963 (Fed. Cir. 2008) (citing *In re Abele*, 684 F.2d 902, 908-09 (CCPA 1982)). Therefore, the generation of a three-dimensional model representing the physical and tangible shipping objects, as arranged in a physical cargo space, is a sufficient statutory transformation.

As Claims 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, and 61 depend ultimately from Claim 1, and Claim 1 is patent-eligible as transformative, Claims 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, and 61 therefore are patent-eligible as they are also transformative.

Thus, Applicants respectfully submit that now pending Claims 8, 13-15, 20, 22-23, 25-27, 33, 41-42, 45-46, 49, 56, 58-59, and 61 are directed to statutory subject matter.

## **I. The Rejection of Claims 1-63 Under 35 U.S.C. § 103(a)**

Claims 1-63 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Koenigbauer et al. in view of Gil et al.

Regarding currently pending Claims 1 and 63, the Examiner has stated that Koenigbauer discloses generating a product shipment configuration and a logistics plan based on the determined buyer. Applicants respectfully submit that Koenigbauer does not disclose generating a product shipment configuration and a logistics plan based on the determined buyer.

Koenigbauer only discloses generating a product shipment configuration and a logistics plan based on supplier / plant / part combinations (see [0015, 0026, 0034, 0037, 0064-0065, 0127]).

The supply chain management of Koenigbauer is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]).

Accordingly, the supply chain management of Koenigbauer does not disclose the ability to generate a product shipment configurations and a logistics plan based on the determined buyer.

Regarding currently pending Claims 1 and 63, the Examiner has stated that Koenigbauer discloses determining a transporter based on the determined buyer. Applicants respectfully submit that Koenigbauer does not disclose determining a transporter based on the determined buyer. Koenigbauer only discloses determining a transporter based on supplier / plant / part combinations (see [0008-0009, 0024, 0034, 0039, 0041, 0043]). The supply chain management of Koenigbauer is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Accordingly, the supply chain management of Koenigbauer does not disclose the ability to determine a transporter based on the determined buyer.

Regarding currently pending Claims 1 and 63, the Examiner has stated that Koenigbauer discloses transmitting the generated logistics plan to the determined buyer, the determined seller,

to the determined transporter, or to combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose transmitting the generated logistics plan to the determined buyer, the determined seller, to the determined transporter, or to combinations thereof. Koenigbauer discloses receiving information related to a logistics plan and storing that information inside a data warehouse (see [0034]). In addition, Koenigbauer discloses transporting the information related to a logistics plan to various internal modules of the logistics software (see [0036, 0173-0191]). However, Koenigbauer does not disclose transmitting the generated logistics plan to a buyer, a seller, a transporter, or to combinations thereof. The internal transmission of related information to internal modules is simply not the same as transmitting generated information to external participants in the supply chain, and therefore Koenigbauer does not disclose transmitting the generated logistics plan to the determined buyer, the determined seller, to the determined transporter, or to combinations thereof.

Regarding currently pending Claims 1 and 63, the Examiner has stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure. As previously noted, Koenigbauer's invention is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Gil's invention is intended for external participants to more easily obtain reporting information from an enterprise partner (see [0007-0013]). As Koenigbauer and Gil are directed towards opposing problems (purely internal management and self-service external reporting), Applicants respectfully suggest that one of ordinary skill in the art would not find it obvious to modify Koenigbauer's invention with Gil's disclosure.

Regarding currently pending Claims 1, 8, 20, 23, 26, and 41, the Examiner has stated that Koenigbauer discloses the use of an access server to receive data. Applicants respectfully submit

that Koenigbauer does not disclose receiving data by an access server. As Koenigbauer states, the system is comprised of at least one computer configured to receive logistics plan information, store the logistics plan information in a data warehouse, and apply logic to the information (see [0034]). Koenigbauer does not disclose, teach, or suggest specifically separating an access server from the system processor and the system data store. As Koenigbauer does not disclose the specific separation of an access server, it therefore does not disclose any limitations on the access server type, and so does not disclose wherein the access server is of a type selected from the group consisting of ftp server, e-mail server, web server, interactive voice/tone response system, fax server and combinations thereof. Accordingly, Koenigbauer does not disclose wherein the received data is received by an access server.

Regarding currently pending Claim 13, the Examiner has stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koenigbauer's invention with Gil's disclosure. As previously noted, Koenigbauer's invention is intended for a single organization or buyer to manage their inbound logistics problems (see [0010-0015, 0026, 0034, 0036-0037]). Gil's invention is intended for external participants to more easily obtain reporting information from an enterprise partner (see [0007-0013]). As Koenigbauer and Gil are directed towards opposing problems (purely internal management and self-service external reporting), Applicants respectfully suggest that one of ordinary skill in the art would not find it obvious to modify Koenigbauer's invention with Gil's disclosure.

Regarding currently pending Claims 20, 23, and 26, the Examiner has stated that Koenigbauer discloses receiving requests or data from a buyer, from a seller or from a transporter and transmitting data in response to the received request or data. Applicants respectfully submit that Koenigbauer does not disclose receiving requests or data from a buyer,



from a seller or from a transporter and transmitting data in response to the received request or data. Koenigbauer discloses receiving and storing that information inside a data warehouse (see [0022, 0034]). In addition, Koenigbauer discloses transporting information to various internal modules of the logistics software (see [0036, 0173-0191]). However, Koenigbauer does not disclose transmitting data to a buyer, a seller, a transporter, or to combinations thereof. The internal transmission of related information to internal modules is simply not the same as transmitting generated information to external participants in the supply chain, and therefore Koenigbauer does not disclose receiving requests or data from a buyer, from a seller or from a transporter and transmitting data in response to the received request or data.

Regarding currently pending Claims 22, 25, and 49, the Examiner has stated that Koenigbauer discloses wherein information is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose wherein information is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof. As Koenigbauer states, web-based transmissions are known (see [0006]). However, Koenigbauer does not reference e-mail, ftp, fax, courier service, postal mail, telephone, pager, or combinations thereof, and so accordingly cannot disclose wherein information is transmitted via a delivery platform selected from the group consisting of e-mail, web, ftp, fax, courier service, postal mail, telephone, pager and combinations thereof.

Regarding currently pending Claim 41, the Examiner has stated that Koenigbauer discloses further comprising the step of (k) selecting a delivery platform for the selected exception report based upon the received request, configuration information associated with the

recipient or combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose further comprising the step of (k) selecting a delivery platform for the selected exception report based upon the received request, configuration information associated with the recipient or combinations thereof. Koenigbauer does not reference e-mail, ftp, fax, courier service, postal mail, telephone, pager, or combinations thereof, and so accordingly cannot disclose selecting a delivery platform for the generated exception report based upon configuration information associated with the recipient.

Regarding currently pending Claims 42, 56, and 59, the Examiner has stated that Koenigbauer discloses transmitting information to a recipient selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof. Applicants respectfully submit that Koenigbauer does not disclose transmitting information to a recipient selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof. As discussed above, Koenigbauer discloses receiving information related to a logistics plan and storing that information inside a data warehouse (see [0034]) and Koenigbauer discloses transporting the information related to a logistics plan to various internal modules of the logistics software (see [0036, 0173-0191]). However, Koenigbauer does not disclose transmitting information externally. The internal transmission of related information to internal modules is simply not the same as transmitting generated information to external participants in the supply chain, and therefore Koenigbauer does not disclose transmitting information to a recipient selected from the group consisting of the determined buyer, the determined seller, the determined transporter, a supply chain management administrator and combinations thereof.

Regarding currently pending Claim 42, the Examiner has stated that Koenigbauer discloses wherein the identification information comprises a link that upon activation by the recipient allows access to the exception report associated therewith. Applicants respectfully submit that Koenigbauer does not disclose wherein the identification information comprises a link that upon activation by the recipient allows access to the exception report associated therewith. Koenigbauer discloses transmitting information internally (see [0175, 0181, 0190]). However, Koenigbauer does not disclose any particular identification information, and therefore does not disclose the identification information comprising a link that upon activation by the recipient allows access to the exception report associated therewith.

Regarding currently pending Claims 56 and 59, the Examiner has stated that Koenigbauer discloses wherein a notification comprises a link that upon activation by the recipient allows access to the data associated therewith. Applicants respectfully submit that Koenigbauer does not disclose wherein the notification comprises a link that upon activation by the recipient allows access to the data associated therewith. Koenigbauer discloses transmitting information internally (see [0041, 0175, 0181, 0190, 00196]). However, Koenigbauer does not disclose any particular format of a notification, and so does not disclose wherein the notification comprises a link that upon activation by the recipient allows access to the data associated therewith..

Regarding Claim 61, the Examiner has stated that Koenigbauer discloses wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification. Applicants respectfully submit that Koenigbauer does not disclose wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification. Koenigbauer discloses transmitting information internally (see [0041, 0175, 0181, 0190, 00196]). However, Koenigbauer does not disclose any particular

format of transmission, and so does not disclose wherein the step of transmitting the generated logistics plan manifest is responsive to activation of a selected link in the notification.

Thus, Applicants submit that the currently pending claims are in suitable condition for allowance.

### **Conclusion**

Applicants respectfully request that the above remarks be entered in the present application file. No fee is estimated to be due in connection with this Response other than the fee due in connection with the extension of time. In the event that any additional fee(s) is required, please charge the required fee(s) to Jones Day Deposit Account No. 50-2724.

Respectfully submitted,

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